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8 Attorneys for Defendant/Cross-Complainant
9 **ADELPHIA COMMUNICATIONS**
10 **CORPORATION**, aka Century Mendocino Cable
11 **TV dba Adelphia Cable Communications**

12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**

14 **SIFA TUIAKI and LUPE TUIAKI,**

15 Plaintiffs,

16 v.

17 **PACIFIC GAS & ELECTRIC COMPANY;**
18 **PAULEY CONSTRUCTION, INC.;**
19 **TRAFFIC SOLUTIONS, INC.;** **ADELPHIA**
20 **TELECOMMUNICATIONS CO., INC.;**
21 **SBC TELECOMMUNICATIONS, INC.;**
22 **MOBILE TOOL INTERNATIONAL, INC.,**
23 **dba TELSTA; COUNTY OF**
24 **MENDOCINO; STATE OF CALIFORNIA;**
25 **PACIFIC BELL TELEPHONE COMPANY;**
26 **PACIFIC TELESIS GROUP; SBC**
27 **OPERATIONS, INC.; and DOES 1 to 100,**

28 Defendants.

ADELPHIA COMMUNICATIONS
CORPORATION, aka CENTURY
MENDOCINO CABLE TV dba ADELPHIA
CABLE COMMUNICATIONS,

Cross-Complainant,

v.

PAULEY CONSTRUCTION, INC., and
ROES 1 to 50, INCLUSIVE,

Cross-Defendants.

FILED

APR 25 2007

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

JCS

C 07 2257

DECLARATION OF MICHAEL J.
DALEY IN SUPPORT OF NOTICE OF
REMOVAL OF ACTION PURSUANT
TO 28 U.S.C. § 1452 AND 28 U.S.C. § 1334

1 I, MICHAEL J. DALEY,

2 1. I am an attorney of law duly admitted to practice before all of the courts of the State of
3 California and the United States District Court, Northern District of California, and am a shareholder
4 in the law firm of RYAN & LIFTER, attorneys of record for Defendant/cross-complainant
5 ADELPHIA COMMUNICATIONS CORPORATION, aka Century Mendocino Cable TV dba
6 Adelphia Cable Communications (hereinafter "ADELPHIA") in this action. I make this declaration in
7 support of Defendant/Cross-Complainant ADELPHIA's Notice of Removal in the above entitled
8 action.

9 2. A true and correct copy of the June 23, 2004 action filed in the Superior Court of the
10 State of California in and for the County of San Francisco entitled *Sifi Tuiaki, et al. v. Adelphia*
11 *Communications Corporation and Century, et al.*, Case Number CGC 04-432476 is attached hereto as
12 Exhibit "A."

13 3. A true and correct copy of PAULEY CONSTRUCTION CORPORATION's
14 (hereinafter "PAULEY") Notice of Hearing, Demurrer to ADELPHIA's First Amended Cross-
15 Complaint, Memorandum in Support, and Request for Judicial Notice is attached hereto as Exhibit
16 "B."

17 4. A true and correct copy of defendant/cross-complainant ADELPHIA's Second
18 Amended Cross-Complaint is attached hereto as Exhibit "C."

19 5. A true and correct copy of defendant/cross-defendant PAULEY's Notice of Hearing,
20 Demurrer to ADELPHIA's Second Amended Cross-Complaint, Memorandum in Support, and
21 (Proposed) Order is attached hereto as Exhibit "D."

22 6. A true and correct copy of defendant/cross-defendant PAULEY's Request for Judicial
23 Notice in support of its demurrer to ADELPHIA's Second Amended Cross-Complaint is attached
24 hereto as Exhibit "E."

25 I declare under penalty of perjury under the laws of the State of California that the foregoing is
26 true and correct. Executed this 25th day of April, 2007, in San Ramon, California.

27
28 
MICHAEL J. DALEY